

Art Unit: 2613

1. In view of the Brief filed December 7, 2001 and the newly discovered Gordon (6,324,217) and Florencio (6,310,919) references, the finality of the last Office Action is hereby withdrawn. A non-final Office Action follows. The Examiner apologizes for any inconvenience that this may have caused.
2. Claim 4 is objected to because of the following informalities: At claim 4, line 1, "employed" should be changed to "used" for clarity. Appropriate correction is required.
3. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The particular claim to the "MPEG-1" and "MPEG-2" recommendations as shown in claims 2 and 3, respectively, are indefinite because there are many versions of the MPEG-1 and MPEG-2 recommendations and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the specification states a specific MPEG-1 and MPEG-2 version and date or a copy of the MPEG-1 and MPEG-2 recommendations are provided, the claims are indefinite. The recommendations are constantly changing, even up to the filing date of the application. Basically, the time frame between when the invention was reduced to practice till the time the application is filed, for example, there could be various versions of the recommendations. And unless the versions and dates of the recommendations are provided, the metes and bounds of the claimed limitations are not clearly set forth, and thus renders the claims indefinite.